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Larry G. Brown  
Motorola, Inc.  
Law Department  
8000 West Sunrise Boulevard  
Fort Lauderdale FL 33322

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**OFFICE OF PETITIONS**

In re Application of  
Khawand et al.  
Application No. 10/747,844  
Filed: December 29, 2003  
Title of Invention: METHOD AND SYSTEM  
FOR EMPLOYING ADAPTIVE EVENT  
CODES

ON PETITION

This is a decision on the petition filed March 15, 2005 under 37 CFR 1.137(a) to revive the above-identified application.

The petition to revive under 37 CFR § 1.137(a) is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on April 13, 2004. The Notice to File Missing Parts set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR § 1.136(a). Accordingly, this application became abandoned on June 14, 2004. A Notice of Abandonment was mailed on January 10, 2005.

**PETITION TO REVIVE UNDER 37 CFR § 1.137(a)**

A grantable petition under 37 CFR § 1.137(a) must be accompanied by:

- (1) the required reply,<sup>1</sup>
- (2) the petition fee,
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (1).

As to item (1), although a declaration containing the signatures of inventors Tao and Vaglica has been submitted on petition, petitioner has failed to submit replacement drawings as required by the Notice of Missing Parts. On renewed petition replacement drawings should be submitted.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                                      Mail Stop Petition  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria, VA 22313-1450

By facsimile:                                (703) 872-9306

By delivery service:                      U.S. Patent and Trademark Office  
(FedEx, UPS, DHL, etc.)                Customer Window, Mail Stop Petition  
   Randolph Building  
   401 Dulany Street  
   Alexandria, VA 22314

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

  
Charlema R. Grant  
Petitions Attorney  
Office of Petitions

enclosure

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<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.